

**APPENDIX OF EVIDENCE IN
SUPPORT OF DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-15-FL**

ROBERT TERRACINO and
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

**DEFENDANT’S FIRST SET OF
REQUESTS FOR ADMISSION TO PLAINTIFFS**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant Trimaco, Inc. (“Defendant”), by and through counsel, requests that Plaintiffs separately answer each of the following requests for admission, fully, separately, in writing, and under oath, within thirty (30) days after service.

INSTRUCTIONS AND DEFINITIONS

A. You should respond to each request to admit based upon your entire knowledge available from all sources, including all information and documents in your possession, custody, or control or that of your attorneys, agents, employees, accountants, investigators, and/or other persons acting or purporting to act on your behalf.

B. If you object to any request to admit on the grounds that it seeks privileged information or documents, please identify the portion of the request to admit, and the documents to which the objection applies, state the general nature of the withheld information and documents, describe the

nature of the objection and the privilege, and respond to the remaining portion of the request to admit.

C. These requests to admit shall be deemed continuing so as to require prompt supplemental answers if you obtain or remember further information relative thereto between the time your answers are served and the time of trial.

D. If you fail to unconditionally to admit the truth of any matter requested below, your answer shall specifically deny the matter, or set forth in detail the reasons why you cannot truthfully admit or deny the same. Pursuant to Rule 36(a), “A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest.”

E. You may not give lack of information or knowledge as a reason for any failure to admit or deny unless your answer shows you have made reasonable inquiry and the information known or readily obtainable by it is insufficient to enable you to admit or deny the matter.

F. Plaintiffs shall mean Plaintiffs Robert Terracino and Bradie Terracino as well as their present and former agents, assigns, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on its behalf, and includes all entities Plaintiffs assert as being represented in this dispute even though not joined as parties.

REQUESTS FOR ADMISSION

Request 1. Admit that for each of Defendant’s “Stay Put” drop cloths and “Stay Put Plus” drop cloths, each of the circumferentially smaller bumps does not have a greater height than that of the circumferentially larger bumps.

Response:

Request 2. Admit that at least some of the downward projecting bumps present on Defendant's "Stay Put" drop cloths and "Stay Put Plus" drop cloths do not have measurable boundaries or perimeters.

Response:

Dated: July 10, 2024

/s/ John M. Moya
John M. Moya (NC State Bar No. 35463)
BARNES & THORNBURG LLP
4208 Six Forks Road, Suite 1010
Raleigh, North Carolina 27609
Tel. (919) 536-6200
Fax (919) 536-6201
jmoya@btlaw.com

Deborah Pollack-Milgate*
Joseph L. Fehribach*
BARNES & THORNBURG LLP
11 S. Meridian Street
Indianapolis, IN 46204
Tel. (317) 231-1313
Fax (317) 231-7433
deborah.pollackmilgate@btlaw.com
joseph.fehribach@btlaw.com
**by special appearance*
Counsel for Defendant Trimaco, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2024, a true and correct copy of the foregoing TRIMACO, INC.'S REQUESTS FOR ADMISSION was served electronically upon the following counsel of record for Plaintiffs:

William Ellis Boyle
N.C. State I.D. No.: 33826
Ward and Smith, P.A.
Post Office Box 33009 Wilmington, NC
27636-3009
docket@wardandsmith.com;
eboyle@wardandsmith.com

Duncan G. Byers, Esq.
Patten, Wornom, Hatten & Diamonstein
12350 Jefferson Avenue, Suite 300
Newport News, VA 23602
dbyers@pwhd.com

/s/ John M. Moya
John M. Moya (NC State Bar No. 35463)
BARNES & THORNBURG LLP
4208 Six Forks Road, Suite 1010
Raleigh, NC 27609-5738
Tel. (919) 536-6200
Fax (919) 536-6201
jmoya@btlaw.com

Counsel for Defendant Trimaco, Inc.